

# **Title 8 HEALTH AND SAFETY**

Title 8 HEALTH AND SAFETY

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## **Chapter 8.04 HEALTH REGULATIONS ADOPTED**

Sections:

8.04.010 Adoption of county health regulations.

**8.04.010 Adoption of county health regulations.**

The city adopts the health regulations established periodically by the Davis County health department and authorizes that department to enforce those regulations within the city. All references in these ordinances to the "health department," or similar references, shall be deemed to be to the Davis County health department. (Prior code § 6-1-1)

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## **Chapter 8.08 GARBAGE COLLECTION AND DISPOSAL**

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8.08.080 Time and place of pickup.

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### 8.08.010 Definitions.

As used in this chapter:

**"Container"** or **"approved container"** or **"regulation container"** means the approved ninety (90), three hundred (300), or four hundred (400) gallon containers furnished residential users by the city and constructed of Phillips Marlex, cross-linked, high density polyethylene, known as Roto Mold containers as defined and contained in the Solid Waste Collection Agreement dated December 29, 1989, entered into by the city, or such other container as may be periodically established by the city administrator.

**"Garbage"** means waste from the preparation, handling, storing, cooking or consumption of food and food products.

**"Refuse"** means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure. (Prior code § 6-2-1)

### 8.08.020 Collection of garbage.

A. The city or its agent shall collect, remove and dispose of all residential garbage. Owners of residential properties, excluding apartment complexes in excess of four units, may not privately contract for their garbage disposal. However, commercial or quasi-public establishments may privately contract for the garbage collection and disposal.

B. Commercial establishments, and public or quasi-public institutions may either dispose of their own garbage or employ an authorized contractor to remove their garbage. To qualify as an authorized contractor, a garbage hauler must receive a city business license and written authorization from the city to collect garbage within the city. Garbage collection must be done in the manner, at such times and in such vehicles as may be approved by periodic resolution of the city council.

C. Nothing in this section shall be construed as eliminating the charge made for municipal garbage service. (Prior code § 6-2-2)

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### **8.08.030 Service charges.**

- A. All residents within the city shall pay monthly garbage service charges in the amount established periodically by resolution of the city council.
- B. If a dwelling unit or a place of business has remained vacant for an entire month, the owner or possessor of the site may make arrangements with the city recorder for no garbage collection charges during the continued vacancy of the premises.
- C. The mayor, with the consent of the city council, may excuse needy or elderly persons who are not reasonably capable of paying the monthly charge for residential collection of garbage from the payment of the residential rate for such period of time as may be deemed proper or necessary. (Prior code § 6-2-3)

### **8.08.040 Method of payment of service charges.**

- A. The garbage service charges imposed above shall be added to the charge made for water furnished through the water system of the city and shall be billed and collected in the same manner as water service charges are billed and collected.
- B. In the event the obligee for water service charges and the obligee for garbage service charges do not coincide, or in the event practical economic and administrative reasons do not make combined billing and collection feasible, in the opinion of the city council, the garbage service charges may be collected with such frequency and in such manner as the city council shall, by regulation, provide. (Prior code § 6-2-4)

### **8.08.050 Processing of garbage or refuse.**

A county health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained for this purpose. The health officer may grant to any person permission for sorting, baling, and marketing trade waste upon premises properly equipped and maintained. (Prior code § 6-2-5)

### **8.08.060 Containers.**

- A. All garbage and refuse to be collected by the city from residential users shall be placed only in approved containers. All other garbage and refuse shall be placed in suitable and sufficient garbage receptacles. These receptacles shall have tight-fitting lids, properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collections, or plastic bags manufactured specifically for use in garbage and refuse collection. Garbage and refuse shall be placed by residential users only in containers issued to them, and use of containers issued to others for garbage disposition is prohibited.
- B. Title to containers furnished by the city to residential users, shall be retained by the city and payment for the use thereof shall be rental.

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C. Users renting containers furnished by the city, or having custody thereof, shall keep the containers free from destructive or decorative markings; shall maintain the original color thereof; shall keep the inside of the containers clean and free from buildup of fungus or bacteria, or any other type of contaminant that causes odors or facilitates deterioration of the inside or outside of such container; and shall not deposit any hot or caustic materials therein or otherwise damage or deface such containers.

D. Residential users shall report to the city, or authorized garbage hauler, any damage to or malfunctioning of containers which limits their usefulness for receipt of garbage or refuse. Upon such notification the city may return the container to the supplier for repair or replacement pursuant to the supplier's warranty.

E. Containers lost or missing through no fault of the user thereof shall be replaced by the city without charge, but users shall exercise due care to protect containers against loss through theft or misappropriation.

F. Containers furnished by the city are issued to specific users by number and are nontransferable. Containers shall be returned to the city upon discontinuance of use by a resident. (Prior code § 6-2-6)

### **8.08.070 Closing of garbage containers required.**

Approved containers shall not be overfilled to the point where the lid thereon cannot completely close and cover the contents thereof. Nor shall they be filled to the extent that their contents may be spilled during the process of pickup and dumping into the garbage collection vehicle. All garbage and refuse or market waste not deposited for pickup by the city shall be placed in rain-proof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies. (Prior code § 6-2-7)

### **8.08.080 Time and place of pickup.**

A. All garbage and refuse subject to garbage collection by the city shall be placed on the edge of the street next to the driveway on the opposite side thereof from the mailbox, but in no event within ten (10) feet of a mailbox. The wheels of the containers shall be placed as close to the curb as reasonably possible, with the hinge thereof to curb side and the lid opening toward the street. When snow or street construction prevent placing of the container against the curb, the container shall be placed not over two feet from the edge of the snow or the construction and in a manner that will not obstruct traffic or unduly impede the snow plowing activities of the city.

B. Containers shall not be placed or permitted to block driveways or through traffic.

C. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to five a.m. on the day for collection.

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D. All empty containers or garbage receptacles must be removed from the street as soon as possible after being emptied, and in every case, must be removed from the street the same day they are emptied.

Containers or receptacles shall not be permitted to remain on the street longer than may be necessary for the removal of the contents.

E. Those persons physically unable to wheel containers to curb side may arrange with the city recorder for proper pickup.

F. It is unlawful to park a vehicle upon a public street within the city during the hours of garbage pickup within twenty (20) feet of a container or in a manner that interferes with access thereto by the garbage collection vehicle. (Prior code § 6-2-8)

### **8.08.090 Limitations upon dumping.**

Dumping waste and garbage shall be permitted only in such places as are designated by the city council. Dumping shall be subject to such rules and regulations as may be formulated by the city council.

Until changed by ordinance, all processible waste generated within the city shall be delivered to the Davis County solid waste management and energy recovery special service district "burn plant," or to NARD, as the district shall direct. (Prior code § 6-2-9)

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## **Chapter 8.12 NUISANCES**

Sections:

8.12.010 General.

8.12.020 Declared nuisances.

8.12.030 Exceptions.

8.12.040 Definitions.

8.12.050 Enforcement provisions.

8.12.060 Abatement notices and abatement by the city.

8.12.070 Emergency abatement.

8.12.080 Violations--Penalties.

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8.12.090 Additional remedies.

### **8.12.010 General.**

It is unlawful for any person whether owner, occupant or agent of the owner or occupant of any property in the city to create, maintain or allow on his or her property any condition(s) which constitutes a nuisance. It is also unlawful for any such person to aid or support in the continuation of any such nuisance in the city. Each and every such person shall be jointly and individually liable under this chapter.

Each person owner, occupant or agent of an owner or occupant has an obligation to know the condition of his or her property and whether or not it is in compliance with this chapter. Therefore, such a person's knowledge of the existence of nuisance conditions on the subject property shall be presumed. (Prior code § 6-15-1)

### **8.12.020 Declared nuisances.**

Any and each of the following conditions shall constitute a declared nuisance:

- A. Deleterious or noxious weeds;
- B. Wrecked, inoperable or obsolete vehicles;
- C. Refuse, debris, garbage or junk;
- D. Deleterious objects or structures;
- E. Any source of contamination or pollution of water, air, or property as determined by the county health or state environmental departments;
- F. Any condition which constitutes a fire hazard, a danger to health, or is a breeding place or habitation for insects, rodents, flies, mosquitoes or other forms of life deleterious to human or animal health or habitations;
- G. Accumulations of snow on sidewalks;
- H. Snow or other materials deposited on city streets;
- I. Anything which unreasonably or unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any public or private street, highway, access way, sidewalk, stream, ditch or drainage way;
- J. Any obstruction in the sight triangle area on corner lots except as allowed in the zoning ordinances;

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K. Any tree or shrub which overhangs or projects into any street, sidewalk, parking strip, or other city property and appears to be dead or liable to fall into any such city property, or which constitutes an obstruction to vision or travel on any city sidewalk, property or street.

L. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the building codes or zoning ordinances of the city, or any use of land, buildings or premises in violation of the city subdivision and zoning ordinances;

M. Any building or structure determined by the county health department to be unfit for human habitation or to present an unreasonable hazard to the health of people residing in the vicinity thereof;

N. Any building or structure determined by the fire department to present an unreasonable fire hazard in the vicinity where it is located;

O. Odors, fumes, gas, smoke, soot or cinders determined to be noxious or unreasonable by an agency of the city, county or state of Utah;

P. Any excessive accumulation of manure, droppings or other waste in any stable, stall, corral, yard or place in which any animal shall be kept, as determined by the city;

Q. Failure to maintain proper premises identification;

R. Any condition in which water is diverted or allowed to flow outside natural drainage ways on to the property of another without his or her written permission;

S. Washing of one's person in or near any public drinking fountain or faucet;

T. Electrical installations for signs, equipment or other facilities which create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of the electrical installation;

U. Any condition declared a nuisance under the authority of any other portion of the ordinances of the city or the laws of the state of Utah;

V. The governing body of the city may direct the location and regulate the management and construction of packing houses, dairies, tanneries, canneries, renderies, bone factories, slaughterhouses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables and blacksmith shops in and within one mile of the limits of the corporation;

W. The governing body of the city may prohibit any offensive or unwholesome business or establishment in and within one mile of the city limits, compel the owner of any pigsty, privy, bar, corral, sewer or other unwholesome or nauseous house or place to cleanse, abate or remove the same, and may regulate the location thereof.

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X. It is unlawful for any person or group to create or permit any noise (regardless of its origin or definition) that may annoy or disturb a reasonable person with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of two or more persons between the hours of ten p.m. and six a.m. (Ord. 268-00 § 1; Ord. 264-00 (part); prior code § 6-15-2)

### **8.12.030 Exceptions.**

A. Weeds Not Constituting a Nuisance or Fire Hazard. Weeds on real property not in close proximity to buildings or not creating a nuisance or fire hazard may be exempted by the inspector, upon advice and concurrence of the fire marshal, from the weed control requirements of this title. Such properties would include, but not be limited to, areas considered wetlands or in a pristine state and contributing to the habitat of noninjurious animals.

B. Large Lots Requiring Fire Breaks. If the inspector determines that the large size of the property makes the cutting of all weeds impractical, the inspector may issue an order limiting the required cutting of weeds to a firebreak of not less than fifteen (15) feet in width around any structures and around the complete perimeter of the property. In determining such an exception, the inspector shall consider the size of the property, the topography of the property, the proximity of the weeds to structures on other property, the accessibility to the property by others, any conditions which could contribute to increased fire hazards, and the seriousness of the weed problem.

C. Vehicles Under Repair. Wrecked, inoperable or obsolete vehicles which are owned by the owner or occupant of the property on which they are located and which the owner desires to restore or repair in the immediate future may be exempted from the provisions of this title by obtaining a permit for each such vehicle for a period of six months. Six-month extensions may be obtained provided the requirements stated hereafter are met.

1. Each such permit or extension shall be obtained from the city after giving proof of ownership and filling out an application on a form to be provided which gives sufficient information to readily identify the vehicle and property in question and paying a fee as established by resolution.

2. Extensions may be obtained by meeting the terms of subdivision 1 of this subsection and by submitting to the city a statement indicating an understanding of the circumstances and a document indicating extension approval signed by at least seventy-five (75) percent of the owners or occupants of property within five hundred (500) feet of the applicant's property.

3. Each such vehicle shall remain covered by a tarp or similar item at all times except when actual restoration or repair work is in progress.

4. In the event any part of the vehicle under repair is raised off the ground other than by wheels firmly attached to the vehicle, it shall be supported in such a manner as to assure that it cannot be readily dislodged or fall from such support.



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5. A copy of the city permit shall be kept at all times with the vehicle under repair and shall be shown to the inspector upon demand.

6. Each vehicle under repair shall be located only upon a parking surface that meets the city building standards and specifications regarding parking areas.

Failure to comply with the terms of this section shall void any permit granted and shall cause the vehicle under repair to be declared a nuisance. This declaration shall subject the vehicle owner to the penalty and abatement provisions of this title. (Prior code § 6-15-3)

### 8.12.040 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this code:

**"Abate"** means to put an end to any condition which is considered a violation of this title.

**"Accumulations of manure, droppings or other waste"** means feces, debris or other offensive materials incidental to animal keeping which have not been removed or cared for so as to avoid offense or annoyance to another person.

**"Accumulations of snow on sidewalks"** means all accumulations of snow, sleet, hail or other precipitation impairing safe access and use of sidewalks abutting on any public right of way of the city which has not been removed within twenty-four (24) hours from the termination of the depositing storm. The responsible party shall be any person owning, occupying, having control or charge or being an agent over any building, property, lot or partial lot of land abutting said sidewalks.

**"Deleterious"** means anything injurious to the health, safety or welfare of any persons.

Examples of such objects or structures include burned machinery; buildings and equipment which are obsolete or in disuse; vehicle parts; unsecured vacant structures; inoperable equipment; buildings in a state of general disrepair; objects with sharp, protruding edges; objects supported in such a manner as to be easily dislodged from the support; and fences in a state of disrepair.

**"Deleterious or noxious weeds"** means vegetation that has become a fire hazard; weeds or grasses, unless maintained for agricultural uses, that are not maintained at less than six inches in height; plants specifically listed as noxious weeds by the state of Utah, the county, or the city by amendment hereafter; or vegetation that endangers the public health and safety by creating a fire hazard or insect, rodent or other vermin harborage.

**"Depositing of snow or other materials in the street"** means snow or other material from a business or residence which is deposited in a street or public access way.

The responsible party shall be any person owning, occupying, having control or charge or being an agent over any building, property, lot or partial lot of land abutting said street or access way.

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**"Obstructions to vision or travel"** means trees or shrubs which intrude into the sidewalk space or are not trimmed to a minimum clearance of seven feet over sidewalks or thirteen and one-half (13½) feet over roadways; any object which would prohibit the full and safe use of sidewalk space by any person; any object placed in such a location as to unreasonably or dangerously restrict the clear view of roadways by persons using or entering the roadway.

**"Owner"** means any person, who alone or with others:

1. Has legal title to any premises or dwelling, with or without actual possession thereof; or
2. Has charge, care or control of any premises or dwelling, as legal or equitable owner, lessee, or is an agent of the owner or the estate of the owner in any manner.

**"Premises identification"** means numbers or addresses placed on all new and existing buildings so as to be plainly visible and legible from the street or road fronting the property. Identification numbers shall contrast with their background.

**"Refuse, debris, garbage and junk"** means waste materials which are generally unfit for use including spent, useless, worthless or discarded materials; used tires; parts of vehicles; old and unused machinery, appliances or parts thereof; trash; waste plant materials, trimmings; litter; scrap building materials; waste food products; materials not clearly stacked and/or maintained for a specific purpose; or other similar materials.

**"Sight triangle area"** means the area of each lot, a corner of which forms part of an intersection, which must necessarily be clear of obstructions to allow drivers and pedestrians visual access to the intersection and oncoming traffic. The following methods shall be used to determine the sight triangle area of a particular lot or property:

1. Where curbs are installed: that portion of a corner lot lying within a triangular area formed by measuring back along each of the curb lines to a point forty feet from the intersection of the curb lines, and then connecting the two points with a third line.
2. Where no curbs are installed: that portion of a corner lot lying within a triangular area formed by measuring back from the property lines adjacent to the intersecting streets to a point on each property line twenty (20) feet back from the intersection of the property lines and then connecting the two points with a third line.

**"Wrecked, inoperable or obsolete vehicles"** means vehicles with parts taken from them; vehicles designed to be used in demolition driving contests or similar events; vehicles without proper and current registration and license plates which are at least four months past the valid licensing period; vehicles made inoperable due to a collision or other event. (Prior code § 6-15-4)

### 8.12.050 Enforcement provisions.

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A. The city administrator shall have the primary responsibility for carrying out the provisions of this chapter. The administrator may delegate this authority to any other city employee. The administrator shall also

1. Establish procedures, criteria and standards for inspections and enforcement which shall be adopted by the city council by resolution; and
2. Keep records of all nuisance abatement activities.

B. The administrator or duly authorized delegate shall be responsible for inspecting and examining real property within the municipality for the purpose of determining the existence of violations of this chapter.

These persons shall have the authority to enter at reasonable times those premises which exhibit a reasonable cause to believe a violation exists in order to inspect or perform the duties imposed by this chapter.

If the premises are occupied at the time of inspection, the inspectors shall present their credentials to the occupant and shall request entry. If entry is refused, the inspectors shall have recourse to the remedies provided by law to secure entry.

C. In the enforcement of this chapter, inspectors shall have the authority to apply the penalties, civil and criminal procedures, and abatement provisions of this chapter and may call upon the police department for assistance in discharging these duties. (Prior code § 6-15-5)

### **8.12.060 Abatement notices and abatement by the city.**

A. Following receipt of a notice to abate, if any owner or occupant of property described in the notice shall fail to abate any unlawful conditions in accordance with such notice, then the inspector may employ necessary assistance and cause such conditions to be brought into compliance with this chapter by doing any or all of the following at the expense of the municipality.

Such expense will be recovered as outlined in subsection B of this section:

1. Cut, eradicate and remove weeds;
2. Secure any vacant structure(s);
3. Maintain or repair deleterious objects or structure;
4. Remove any deleterious object or structure; or
5. Remove snow from sidewalks or streets when deposited contrary to the provisions of this chapter.

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B. After abating the unattended nuisance conditions, the inspector shall prepare an itemized statement of all expenses incurred, including administrative costs, in the removal and destruction of the nuisance and shall mail a copy thereof to the owner or occupant of the property. The notice shall demand payment within twenty (20) days of the date of mailing. This notice shall be deemed delivered when mailed by registered mail addressed to the property owner's last known address.

C. In the event the noticed owner fails to make payment of the amount set forth in the statement to the city treasurer within the prescribed twenty (20) days, the inspector shall either:

1. Refer the matter to the city attorney who may cause suit to be brought in an appropriate court of law; or
2. Refer the matter to the county treasurer to be included in the taxes payable by the property owner, and may attach a lien on the property, as provided hereinafter.

In the event collection of these costs are pursued through the courts, the city may sue for and receive judgment upon all costs, together with reasonable attorney's fees, interest and court costs.

In the event the inspector elects to refer the matter to the tax notice of the property owner, he or she shall make an itemized statement of all expenses incurred, including all additional administrative expenses and all lien transaction expenses, and shall deliver three copies of the statement to the county treasurer within ten (10) days of the failure to pay the costs. The inspector shall request in writing that the county treasurer take such action as provided by law, requesting that the amount payable to the city be included in the tax notices to the property owner and that upon collection of the money it be paid by treasurer to the city.

The inspector shall also cause the same to become a lien upon the lands involved by filing the appropriate papers with the county assessor. (Ord. 264-00 (part): prior code § 6-15-6)

### **8.12.070 Emergency abatement.**

If the inspector should determine that any conditions subject to the provisions of this chapter render life or property in immediate jeopardy, he or she may cause or order such condition to be immediately abated.

Reasonable effort shall be made under the circumstances to contact the owner or occupant of the property affect. However, failure to establish this contact in no way relieves the owner of his or her responsibilities under this chapter. All expenses of emergency abatements shall be reimbursed the city as provided in this chapter. (Prior code § 6-15-7)

### **8.12.080 Violations--Penalties.**

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A. Violations of this chapter shall be punishable either as a Class B misdemeanor or civil penalty with a fine up to one thousand dollars (\$1,000.00).

B. Only one notification procedure (as established by the city) shall be necessary for continuing violations on the same premises within the same calendar year and shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year.

C. Each day of violation of any provision of this chapter shall constitute a separate violation.  
(Ord. 264-00 (part); prior code § 6-15-8)

### **8.12.090 Additional remedies.**

In addition to the penalties and abatement procedures outlined above, the inspector may initiate any or all of the following actions: injunctions; mandamus; proceedings to prevent, enjoin, abate or remove; or other such court actions. (Prior code § 6-15-9)

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## **Chapter 8.16 ABANDONED VEHICLES**

Sections:

8.16.010 Definitions.

8.16.020 Abandonment of vehicles.

8.16.030 Leaving of wrecked, nonoperating vehicle on street.

8.16.040 Impounding.

8.16.050 Violations--Penalties.

### **8.16.010 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

**"Abandon"** means to desert, forsake or leave without intending to return.

**"Street"** or **"highway"** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**"Vehicle"** means a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery; and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.  
(Prior code § 6-16-1)

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### **8.16.020 Abandonment of vehicles.**

No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Prior code § 6-16-2)

### **8.16.030 Leaving of wrecked, nonoperating vehicle on street.**

No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the city. (Prior code § 6-16-3)

### **8.16.040 Impounding.**

The police chief or his or her agent is authorized to remove or have removed any vehicle left at any place within the city which reasonably appears, to be in violation of this chapter or to be lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with state law. (Prior code § 6-16-4)

### **8.16.050 Violations--Penalties.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a Class B misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Prior code § 6-16-5)

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## Chapter 8.20 FIRE REGULATIONS

### Sections:

8.20.010 Right of way.

8.20.020 Emergency blockades.

8.20.030 Right to enter upon premises.

8.20.040 Removal of obstructions.

8.20.050 Use of water.

8.20.060 Cost recovery for intentional fires.

8.20.070 Unlawful interference.

8.20.080 Driving over fire hose.

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8.20.090 Limits at fire.

8.20.100 Duty of bystanders.

8.20.110 Parking near fire hydrant.

### **8.20.010 Right of way.**

Any fire truck and movable fire fighting apparatus traveling within the city which provides visual or audible warning to other traffic shall have the right-of-way over all other vehicles of every kind. It is unlawful for the owner or operator of any vehicle to drive or operate the same in head of the fire truck or at a distance less than five hundred (500) feet therefrom, or to follow the same at a distance closer than five hundred (500) feet. (Prior code § 7-7-1)

### **8.20.020 Emergency blockades.**

Whenever a fire shall occur, it shall be lawful for the officer in charge to blockade any street, avenue, alley, sidewalk or other place within the limits of the city, if, in his or her judgment, it is necessary to secure the efficient working of the men, hose, engines or hook and ladder apparatus under his or her command, or to protect the hose from injury. It is unlawful for any person to break through such a blockade. (Prior code § 7-7-2)

### **8.20.030 Right to enter upon premises.**

Fire fighters shall at any time have the right to enter upon any premises for the purpose of investigating, extinguishing or controlling fires; and they may, at any reasonable hour, enter premises for the purpose of inspecting the same. (Prior code § 7-7-3)

### **8.20.040 Removal of obstructions.**

When a fire is in progress, the officer in charge may order the removal or destruction of any building, fence, or any telephone, telegraph or electric light poles or wires, or any other obstruction in order to prevent the progress of the fire, but no officer or fire fighter shall unnecessarily or recklessly destroy or injure any building or other property. (Prior code § 7-7-4)

### **8.20.050 Use of water.**

The officer in charge at a fire shall have the right to use water from any source for the purpose of extinguishing the fire or for saving property in danger of being destroyed by fire. (Prior code § 7-7-5)

### **8.20.060 Cost recovery for intentional fires.**

A. Recovery of Costs. The city shall be entitled to recover the cost of any fire intentionally caused by any person or of any fire caused by the gross negligence of any person, from the person or entity who intentionally caused or whose gross negligence was the cause of any fire occurring within the city.

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B. Definitions. As used in this chapter, the following words and phrases shall have the following meanings:

**"Cost"** means the actual costs of the city or its agent, the South Davis fire district, and volunteer personnel, including labor, workmen's compensation benefits, fringe benefits, administrative overhead, equipment use, equipment replacement and repair, equipment operation, materials, disposal, contract labor, and the legal and other collection costs of all said sums.

**"Gross negligence"** means the entire want of care which would raise belief that the act or omission complained of was the result of conscious indifference to the rights and welfare of persons affected by it, or the result of a reckless and wanton disregard for consequences.

**"Intentionally caused fire"** or "fire caused by intentional acts" means any fire caused by the wilful conduct of a person inflicted with design and foresight as distinguished from a fire caused by the negligence of a person. (Prior code § 7-7-8)

### **8.20.070 Unlawful interference.**

It is unlawful for any person to wilfully hinder any officer in the discharge of his or her duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus or to interfere with any fire company or person, or to wilfully break or injure any water pipe, or in any way interfere with the water or its source of supply. (Prior code § 7-7-9)

### **8.20.080 Driving over fire hose.**

It is unlawful for the owner or person in charge or control of any motor vehicle or for anyone driving or operating any other type of vehicle to drive the same over any unprotected fire hose when laid down on any street in the city to be used at any fire or alarm of fire, without the consent of the fire department official in command. (Prior code § 7-7-10)

### **8.20.090 Limits at fire.**

The city chief of police, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except fire fighters and members of the police department, or those admitted by order of the officer in charge, shall be permitted to come. (Prior code § 7-7-11)

### **8.20.100 Duty of bystanders.**

The city chief of police, or officer in charge at the fire, may require the aid of every citizen, inhabitant or bystander in drawing any engine, cart, or other fire apparatus to the fire, and, upon refusal or neglect of any such person to immediately comply with such requirement the offender shall, upon conviction thereof, be liable to a fine not exceeding five hundred dollars (\$500.00). All officers authorized to command the aid or assistance of any citizen, inhabitant, or bystander are authorized likewise to arrest



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such citizen, inhabitant or bystander for refusal to obey any reasonable directions for the extinguishing of fire or the protection of property. (Prior code § 7-7-12)

### **8.20.110 Parking near fire hydrant.**

It is unlawful for the owner or operator of any motor vehicle or the driver of any horse, gas or steam propelled vehicle to stop or park the same within a distance of fifteen (15) feet of any fire hydrant within the city. (Prior code § 7-7-13)

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## Chapter 8.24 FIREWORKS

### Sections:

8.24.010 General provisions.

8.24.020 Public display permitted when.

8.24.030 Application for permit.

8.24.040 Regulations for public displays.

8.24.050 Bond.

### **8.24.010 General provisions.**

A. Utah Fireworks Act Implemented. This chapter implements the provisions of the Utah Fireworks Act, as the same is amended periodically.

B. Unlawful Acts. It is unlawful to possess, sell, offer for retail sale, or discharge, any fireworks in any way prohibited by the Utah Fireworks Act or any safety standards which supplement that Act.

If a permit is issued which allows the possession, sale, offering for retail sale or discharge of fireworks, it is unlawful to do the same contrary to the terms of the permit.

C. Lawful Acts. The discharge of Class C common state approved fireworks in accordance with state law is permitted. (Ord. 263-99 (part); prior code § 7-8-1)

### **8.24.020 Public display permitted when.**

The city council may, upon written application and the posting of a suitable bond, grant a permit for the public display of fireworks by religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations, or groups of individuals approved by the city council.

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Such display shall be of a character and so located, discharged or fired that it will not create a hazard to property or endanger any person. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. (Prior code § 7-8-2)

### **8.24.030 Application for permit.**

All such written applications for permission to operate a public display of fireworks shall set forth:

- A. The name of the organization or person sponsoring the display, together with the names, ages and qualifications of persons actually in charge of the firing of the display;
  - B. The date and time of day at which the display is to be held;
  - C. The exact location planned for the display;
  - D. The number and kinds of fireworks to be discharged;
  - E. The manner and place of storage of fireworks prior to the display;
- and
- F. Such information as the city administrator may require to ensure compliance with the provisions of this chapter and the safety and welfare of the residents of the city. (Prior code § 7-8-3)

### **8.24.040 Regulations for public displays.**

At any public fireworks display, the following regulations shall apply:

- A. The actual point at which the fireworks are to be fired shall be at least two hundred (200) feet from the nearest aboveground telegraph, telephone or electric power pole or line, tree or other overhead obstruction.
- B. Spectators shall be restrained behind lines at least one hundred fifty (150) feet from the point at which the fireworks are discharged, and only persons in active charge of the display shall be allowed inside these lines.
- C. All fireworks that fire a projectile shall be set up so that the projectile will go into the air as nearly as possible in a vertical direction.
- D. Any fireworks that remain unfired after the display is concluded shall be disposed of immediately in a manner suitable for the particular type of fireworks remaining.
- E. No fireworks display shall be held during any wind storm in which the wind reaches a velocity of thirty (30) m.p.h. (Prior code § 7-8-4)

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### 8.24.050 Bond.

The city council may require a bond deemed adequate from the permittee in a sum to be established periodically be resolution of the city council. This sum shall be conditioned for the payment of all damages which may be caused either to a person or to property by reason of such permitted display or arising from any acts of the permittee, his or her agents, or employees. Such bond shall run to the city and shall be for the use and benefit of any person injured or the owner of any property damaged. (Prior code § 7-8-5)

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### Chapter 8.28 HAZARDOUS MATERIALS

Sections:

8.28.010 Definitions.

8.28.020 Recovery of expenses.

8.28.030 Admission.

#### 8.28.010 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

**"Hazardous materials emergency"** means a sudden and unexpected release, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant) of any substance that because of its quantity, concentration, or physical, chemical, or infectious characteristics presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

**"Aggravated fire emergency"** means a fire caused or contributed to by the failure to comply with an order from any State, County, City or local agency, department or official; or occurs as a direct result of a deliberate act in violation of State law or the ordinances or regulations of the City, County or other local agency. Such as:

- (a) A fire that constitutes arson or reckless burning as defined by the Utah State Code.
- (b) An alarm that results in a fire unit being dispatched, and the person transmitting or causing the transmission of the alarm, knows at the time of said transmission that no fire or fire related emergency exists.

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**"Aggravated medical emergency"** means an alarm that results in an emergency medical unit being dispatched, and the person transmitting or causing the transmission of the alarm, knows at the time of said transmission that there are no reasonable grounds for believing that a medical emergency exists.

**"Expenses"** means actual labor costs of government and volunteer personnel, including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, cost of materials, and the cost of any contract labor and materials. (Prior code § 6-3-1)

### **8.28.020 Recovery of expenses.**

The city shall be entitled to recover from those persons whose negligent actions cause any hazardous materials emergency all expenses incurred by the city directly associated with a response to a hazardous materials emergency, taken under provisions of this chapter or of Section 53-2-105(3)UCA. The city may also recover all expenses from any other persons or entities who may, under state or federal law or regulations, be held liable in whole or in part for any hazardous materials emergency within the city. (Ord. 264-00 (part): prior code § 6-3-2)

### **8.28.030 Admission.**

The payment of expenses to the city under this chapter does not constitute an admission of liability or negligence in any legal action for damages. (Prior code § 6-3-3)